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Agenda item 149

# United Nations Decade of International Law

## Report of the Sixth Committee

*Rapporteur*: Mr. Rytis **Paulauskas** (Lithuania)

## I. Introduction

1. The item entitled:

"United Nations Decade of International Law:

"(a) United Nations Decade of International Law;

"(b) Progress in the action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law;

"(c) Draft guiding principles for international negotiations"

was included in the agenda of the fifty-third session of the General Assembly in accordance with Assembly resolution 52/153 of 15 December 1997.

2. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 29th and 31st to 33rd meetings, on 13, 16 and 17 November 1998. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/53/SR.29, 31–33).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the draft guiding principles for international negotiations (A/53/332 and Add.1);

(b) Note by the Secretary-General on the United Nations Decade of International Law (A/53/492);

(c) Note by the Secretary-General transmitting a list of the titles of the treaties appearing in the publication *Multilateral Treaties Deposited with the Secretary-General* (A/53/525);

(d) Letter dated 12 June 1997 from the Permanent Representative of Mongolia to the United Nations addressed to the Secretary-General (A/52/141);

(e) Letter dated 10 March 1998 from the Permanent Representative of Peru to the United Nations addressed to the Secretary-General, transmitting the Declaration signed in Brasilia on 26 November 1997 by Peru, Ecuador and the Guarantor Countries of the 1942 Peruvian-Ecuadorian Protocol of Peace, Friendship and Boundaries of Rio de Janeiro (A/53/88);

(f) Letter dated 27 October 1998 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General, transmitting the joint declaration made by the heads of Government of the countries of South-Eastern Europe at the summit meeting held at Antalya, Turkey, on 12 and 13 October 1998 (A/53/552–S/1998/1010);

(g) Letter dated 10 November 1998 from the Permanent Representatives of the Netherlands and the Russian Federation to the United Nations addressed to the Secretary-General, transmitting the progress report on the action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law (A/C.6/53/10);

(h) Note by the Secretariat transmitting the provisional list of events in 1999 relating to the centennial of the first International Peace Conference and the United Nations Decade of International Law (A/C.6/53/11).

5. The General Assembly, in its resolution 52/153, had requested the Working Group on the United Nations Decade of International Law to continue its work at the fifty-third session in accordance with its mandate and methods of work. Pursuant to that request, the Sixth Committee, at its 2nd meeting, on 16 September, elected Mrs. Socorro Flores (Mexico) Chairperson of the Working Group for the session. The Working Group held eight meetings, from 14 October to 16 November.

6. At the 32nd meeting of the Committee, on 17 November, the Chairperson of the Working Group presented an oral report on the work accomplished by the Working Group (see A/C.6/53/SR.32).

# II. Consideration of proposals

## A. Draft resolution A/C.6/53/L.12

7. At the 29th meeting, on 13 November, the Russian Federation, on behalf of the *Netherlands* and the *Russian Federation*, subsequently joined by *France* and *Ukraine*, introduced a draft resolution entitled "Action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law" (A/C.6/53/L.12).

8. At the 33rd meeting, on 17 November, the representative of the Russian Federation orally revised the draft resolution as follows:

(a) In the sixth preambular paragraph, the words "held at The Hague, at Moscow and in New York in 1997 and 1998" were replaced by the words "held at The Hague in 1997 and in Moscow and New York in 1998";

(b) In the tenth preambular paragraph, the word "conclusions" was replaced by the word "outcome";

(c) In the *chapeau* of operative paragraph 3, the word "States" was replaced by the word "the", the words "within their respective competencies" were inserted after the word "Secretariat" and the words "as appropriate" were added after the words "groups and individuals";

(d) In subparagraph (b) of operative paragraph 3, the word "first" was inserted before the words "International Peace Conference";

(e) In operative paragraph 4, the word "conclusion" was replaced by the word "outcome";

(f) In operative paragraph 7, the words "(the third Peace Conference)" at the end of the paragraph were deleted.

9. At the same meeting, the Committee adopted draft resolution A/C.6/53/L.12, as orally revised, without a vote (see para. 17, draft resolution I).

## B. Draft resolution A/C.6/53/L.8/Rev.1

10. At the 32nd meeting, on 17 November, the Chairperson of the Working Group on the United Nations Decade of International Law introduced a draft resolution entitled "United Nations Decade of International Law" (A/C.6/53/L.8/Rev.1).

11. Also at the same meeting, the Committee adopted draft resolution A/C.6/53/L.8/Rev.1 without a vote (see para. 17, draft resolution II).

## C. Draft resolution A/C.6/53/L.14

12. At the 32nd meeting, on 17 November, the Chairperson of the Working Group introduced a draft resolution entitled "Principles and guidelines for international negotiations" (A/C.6/53/L.14).

13. At the same meeting, the Chairperson of the Working Group orally revised the text of the draft resolution as follows:

(a) In the ninth preambular paragraph, the word "non-exhaustive" was inserted after the words "offer a general";

(b) In operative paragraph 1 (d), the words "in their relations" were inserted after the words "duty to refrain";

(c) In the *chapeau* of operative paragraph 2, the words "in international negotiations" were deleted at the end of the paragraph.

14. At the 33rd meeting, on 17 November, the representatives of Cuba, the Syrian Arab Republic and Lebanon made statements in explanation of their respective positions before action was taken on the draft resolution (see A/C.6/53/SR.33).

15. At the same meeting, the Committee adopted draft resolution A/C.6/53/L.14, as orally revised, without a vote (see para. 17, draft resolution III).

16. The representatives of the United Kingdom of Great Britain and Northern Ireland, France, Sweden, the United States of America, Japan and Australia made statements in

explanation of their respective positions after the adoption of the draft resolution (see A/C.6/53/SR.33).

## III. Recommendations of the Sixth Committee

17. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

### Draft resolution I

**Action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law**

*The General Assembly*,

*Reaffirming once again* the commitment of the United Nations and its Member States, as well as the States parties to the Statute of the International Court of Justice, to the goals of the United Nations Decade of International Law, as expressed by the General Assembly in resolutions under that item of its agenda,[1]

*Mindful* of the long and well-established tradition of progressive development and codification of international law, marked by the first and the second International Peace Conference, held at The Hague in 1899 and 1907 respectively,

*Recalling* that the third International Peace Conference, scheduled to be held at The Hague in 1915, was not held because of the outbreak of the First World War the previous year,

*Recalling also* the proposal by the Russian Federation for a third international peace conference with a view to considering international law and order in the post-cold-war world at the threshold of the twenty-first century, referred to in General Assembly resolution 51/159 of 16 December 1996, and the initiatives undertaken by the Russian Federation and the Kingdom of the Netherlands with regard to the commemoration of the first International Peace Conference,

*Noting with satisfaction* that the realization of the programme of action dedicated to the centennial of the first International Peace Conference,[2] presented by the Netherlands and the Russian Federation,[2] is consistent with the goals of the United Nations Decade of International Law,

*Noting* in this respect that meetings of the Friends of 1999, held at The Hague in 1997 and in Moscow and New York in 1998, further contributed to the substantive content of the programme of action,

*Noting also* the preliminary reports on the themes of the centennial of the first International Peace Conference,

*Expressing its gratitude* to the rapporteurs and all organizations, groups and individuals who contributed to the discussion of the centennial themes,

[1] Notably resolutions 44/23, 51/157 and 52/153.

[2] A/C.6/52/3, annex.

*Bearing in mind* the progress report[3] and the agenda[4] of the commemorative meetings to be held at The Hague and St. Petersburg,

*Noting* that the outcome of action pertaining to the centennial of the first International Peace Conference will be submitted to the General Assembly for its consideration at the closing of the United Nations Decade of International Law,

*Noting also* that the programme of action does not entail budgetary implications for the United Nations,

1. *Welcomes* the progress made in realization of the programme of action,[2] presented by the Governments of the Netherlands and the Russian Federation, which aims at contributing to the further development of the themes of the first and the second International Peace Conference and could be regarded as a third international peace conference;

2. *Encourages*:

(a) The Governments of the Russian Federation and the Netherlands to continue with the implementation of the programme of action;

(b) All States to participate in the activities set out in the programme of action, as well as to initiate such activities and to coordinate their efforts in this respect at the global level, as well as at the regional and national levels;

(c) All States to take appropriate measures to ensure universal participation in the activities pursuant to the programme of action, with special consideration for the participation of representatives of the least developed countries;

3. *Encourages* the competent organs, subsidiary organs, programmes and specialized agencies of the United Nations, including the International Court of Justice, the International Law Commission and the Secretariat, within their respective competencies, as well as other international organizations, non-governmental organizations, groups and individuals, as appropriate:

(a) To continue to contribute to the discussions on the themes of the commemoration of the centennial of the first International Peace Conference on the basis of the preliminary reports;

(b) To consider participating in the activities envisaged in the programme of action and contributing to work towards meaningful conclusions of the debates on the themes of the centennial of the first International Peace Conference;

4. *Requests* the Governments of the Netherlands and the Russian Federation to prepare reports on the outcome of the centennial celebrations at The Hague and St. Petersburg for submission to the General Assembly at its fifty-fourth session, with a view to their consideration at the closing of the United Nations Decade of International Law;

5. *Requests* the Secretary-General to ensure consistency between the activities of the Organization relating to the closing of the United Nations Decade of International Law and those relating to the programme of action and to coordinate with the Governments of the Netherlands and the Russian Federation his efforts with regard to the closing of the Decade;

6. *Invites* the Secretary-General to consider any activities to promote the outcome of the United Nations Decade of International Law, including the possibility of the issuance

[3] A/C.6/53/10, annex.

[4] A/C.6/53/11, annex..

by the United Nations of a set of jubilee postage stamps and postcards in commemoration of the centennial of the first International Peace Conference;

7. *Decides* to consider in the plenary meeting at its fifty-fourth session dedicated to the closing of the United Nations Decade of International Law the outcome of the actions dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the Decade;

8. *Decides also* to include in the provisional agenda of its fifty-fourth session, under the item entitled "United Nations Decade of International Law", a sub-item entitled "Outcome of the action dedicated to the 1999 centennial of the first International Peace Conference".

## Draft resolution II

### United Nations Decade of International Law

*The General Assembly*,

*Recalling* its resolution 44/23 of 17 November 1989, by which it declared the period 1990–1999 the United Nations Decade of International Law,

*Noting* the conclusion of the United Nations Decade of International Law in 1999,

*Recalling also* that the main purposes of the Decade, according to its resolution 44/23, should be, *inter alia*:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and its codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law,

*Recalling further* its resolution 51/157 of 16 December 1996, to which was annexed the programme for the activities for the final term (1997–1999) of the Decade, its resolution 51/158 of 16 December 1996, entitled "Electronic treaty database", and its resolution 52/153 of 15 December 1997,

*Having considered* the note by the Secretary-General,[5] and expressing its appreciation therefor,

*Welcoming* the significant steps taken by the Secretary-General to rationalize and expedite the registration and publication of treaties pursuant to Article 102 of the Charter of the United Nations,

*Noting* the completion of the initial phase of the new electronic database for the United Nations Treaty Collection,

*Recalling* that the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations of 21 March 1986[6] is one of the conventions adopted under the aegis of the United Nations which have codified the law of treaties, and recalling also the impact of the Convention on the practice of treaties

[5] A/53/492.

[6] A/CONF.129/15.

concluded between States and international organizations or between international organizations,

*Noting* that, in accordance with General Assembly decision 41/420 of 3 December 1986, the Secretary-General signed, on behalf of the United Nations, the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations,

*Recalling* that, at the forty-fifth session of the General Assembly, the Sixth Committee established the Working Group on the United Nations Decade of International Law with a view to preparing generally acceptable recommendations on the programme of activities for the Decade,

*Noting* that, at the fifty-third session of the General Assembly, the Sixth Committee reconvened the Working Group to continue its work in accordance with Assembly resolutions 52/153 and 52/155 of 15 December 1997 and all previous resolutions on the subject,

*Having considered* the oral report of the Chairman of the Working Group to the Sixth Committee,[7]

1. *Expresses its appreciation* for the work done on the United Nations Decade of International Law at the fifty-third session of the General Assembly, and requests the Working Group of the Sixth Committee to continue its work at the fifty-fourth session in accordance with its mandate and methods of work;

2. *Expresses its appreciation* to States and international organizations and institutions that have undertaken activities, including sponsoring conferences on various subjects of international law, in implementation of the programme for the activities for the final term (1997–1999) of the Decade;

3. *Invites* all States and international organizations and institutions referred to in the programme to provide, update or supplement information on activities they have undertaken in implementation of the programme, as appropriate, to the Secretary-General for inclusion in the report requested in paragraph 8 of Assembly resolution 51/157, which should also contain a list of major international conventions adopted under the auspices of the United Nations during the Decade in the field of international law;

4. *Welcomes* the work done by the Permanent Court of Arbitration in the field of the peaceful settlement of disputes, including the adoption of its optional rules of procedure for fact-finding commissions of inquiry, which entered into effect on 15 December 1997;

5. *Encourages* States to disseminate at the national level, as appropriate, information contained in the note by the Secretary-General;[5]

6. *Authorizes* the Secretary-General to deposit, on behalf of the United Nations, an act of formal confirmation of the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, as provided in article 83 of the Convention;

7. *Encourages* States to consider ratifying or acceding to the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations,[6] international organizations that have signed the Convention to deposit an act of formal confirmation of the Convention and other international organizations entitled to do so to accede to it at an early date;

[7] See A/C.6/53/SR.32.

8. *Encourages* States parties and international organizations or agencies, including depositaries, in order to facilitate further implementation of the obligation laid down in Article 102 of the Charter of the United Nations, to provide, where available, a copy of the text of any treaty in disk or other electronic format and to consider providing, where available, translations in English or French or both, as may be needed, for the purpose of assisting with the timely publication of the United Nations *Treaty Series*;

9. *Expresses its appreciation* to the Office of Legal Affairs of the Secretariat for its efforts to facilitate access to information concerning United Nations activities in the field of international law, and to bring up to date the publication of the *United Nations Juridical Yearbook*, and encourages it to continue its efforts in this regard;

10. *Expresses its appreciation* to the Secretary-General for the progress achieved in establishing a new electronic database for the United Nations Treaty Collection, and encourages him to continue the development of this database with a view to expeditiously providing Member States with a greater range of easily accessible treaty-related information;

11. *Encourages* the Secretary-General to continue developing a policy of providing Internet access to the United Nations *Treaty Series* and the *Multilateral Treaties Deposited with the Secretary-General*, bearing in mind the needs of States, in particular developing countries in recovering the costs thereof, and requests the Secretary-General to report on this issue at its fifty-fourth session;

12. *Requests* the Secretary-General to provide all necessary assistance, including translation services, to implement the plan to eliminate the historical backlog in the publication of the United Nations *Treaty Series* within the next biennium;

13. *Expresses* its appreciation to the Secretary-General for his note containing a list of the titles of the treaties appearing in the publication *Multilateral Treaties Deposited with the Secretary-General*;[8]

14. *Requests* the Secretary-General to ensure that hard copies of the publications mentioned in paragraphs 11 and 12 continue to be distributed to permanent missions free of charge in accordance with their needs;

15. *Appeals* to States, international organizations and non-governmental organizations working in the field of international law and to the private sector to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme;

16. *Once again requests* the Secretary-General to bring the programme, as well as the note referred to in paragraph 12, to the attention of States and international organizations and institutions working in the field of international law;

17. *Notes with appreciation* the activities undertaken by the International Committee of the Red Cross in the field of international humanitarian law, including with regard to the protection of the environment in times of armed conflict;

18. *Takes note with interest* of the events that will take place during the year 1999[9] to commemorate the centennial of the first International Peace Conference and the closing of the United Nations Decade of International Law;

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[8] A/53/525.

[9] See A/C.6/53/11, annex.

19. *Decides* to include in the provisional agenda of its fifty-fourth session the item entitled "United Nations Decade of International Law" and to convene a one-day plenary meeting on 17 November 1999 to mark the end of the Decade.

## Draft resolution III

### Principles and guidelines for international negotiations

*The General Assembly,*

*Recalling* the purposes and principles of the Charter of the United Nations,

*Reaffirming* the provisions of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations[10] and of the Manila Declaration on the Peaceful Settlement of International Disputes,[11]

*Taking into account* the objectives of the United Nations Decade of International Law,

*Considering* that international negotiations constitute a flexible and effective means for, among other things, the peaceful settlement of disputes among States and for the creation of new international norms of conduct,

*Bearing in mind* that in their negotiations States should be guided by the relevant principles and rules of international law,

*Conscious* of the existence of different means of peaceful settlement of disputes, as enshrined in the Charter of the United Nations and recognized by international law, and reaffirming in this context the right of free choice of those means,

*Bearing in mind also* the important role that constructive and effective negotiations can play in attaining the purposes of the Charter of the United Nations by contributing to the management of international relations, the peaceful settlement of disputes and the creation of new international norms of conduct of States,

*Noting* that the identification of principles and guidelines of relevance to international negotiations could contribute to enhancing the predictability of negotiating parties, reducing uncertainty and promoting an atmosphere of trust at negotiations,

*Recognizing* that the following could offer a general, non-exhaustive frame of reference for negotiations,

1. *Reaffirms* the following principles of international law which are of relevance to international negotiations:

(a) Sovereign equality of all States, notwithstanding differences of an economic, social, political or other nature;

(b) States have the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations;

(c) States have the duty to fulfil in good faith their obligations under international law;

[10] Resolution 2625 (XXV), annex.

[11] Resolution 37/10, annex.

(d) States have the duty to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

(e) Any agreement is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations;

(f) States have the duty to cooperate with one another, irrespective of the differences in their political, economic and social systems, in the various spheres of international relations, in order to maintain international peace and security and to promote international economic stability and progress, the general welfare of nations and international cooperation free from discrimination based on such differences;

(g) States shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered;

2. *Affirms* the importance of conducting negotiations in accordance with international law in a manner compatible with and conducive to the achievement of the stated objective of negotiations and in line with the following guidelines:

(a) Negotiations should be conducted in good faith;

(b) States should take due account of the importance of engaging, in an appropriate manner, in international negotiations the States whose vital interests are directly affected by the matters in question;

(c) The purpose and object of all negotiations must be fully compatible with the principles and norms of international law, including the provisions of the Charter of the United Nations;

(d) States should adhere to the mutually agreed framework for conducting negotiations;

(e) States should endeavour to maintain a constructive atmosphere during negotiations, and to refrain from any conduct which might undermine the negotiations and their progress;

(f) States should facilitate the pursuit or conclusion of negotiations by remaining focused throughout on the main objectives of such negotiations;

(g) States should use their best endeavours to continue to work towards a mutually acceptable and just solution in the event of an impasse in negotiations.